

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

CYNTHIA ANNE DIVEGLIA
formerly CYNTHIA ANNE KAYLOR
Plaintiff

v.

NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY
Defendant

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Civil Action No. 1 CV-00-1342

(Judge James McClure)

FILED
HARRISBURG

MAY 19 2004

MARY E. L. CLERK
DEPUTY CLERK

PLAINTIFF'S SECOND MOTION IN LIMINE

AND NOW, this 17th day of May 2004, Plaintiff makes this Motion in Limine and seeks to exclude certain matters that are irrelevant, inadmissible or prejudicial to the material issues of the case and presents the following:

1. This action is for breach of contract for defendant's refusal to continue disability benefits.
2. The letter of termination of benefits specifically stated the reason for termination was that Plaintiff's medical documentation "does not support ongoing disability due to medical restrictions or limitations." Deposition testimony of the adjuster

who terminated benefits confirmed this was the reason for termination.

3. Plaintiff's claim for breach of contract is specifically and entirely limited to defendant's stated reason for termination of benefits of alleged lack of medical documentation to support ongoing disability.

4. Despite the specific stated reason for termination of benefits defendant seeks to introduce evidence at trial not only not relevant to that material issue, but also prejudicial to Plaintiff's claim.

5. Plaintiff seeks to exclude, prior to the voir dire of the jury, the introduction of evidence in the form of documents, testimony or argument relating to earnings of Plaintiff and liability insurance applications.

6. Plaintiff incorporates in its entirety her brief and appendix in support of this Motion.

For reasons stated herein and in her brief, Plaintiff asks this court to instruct Defendant and all counsel and witnesses not to mention, refer to, interrogate about or attempt to convey to the jury in any manner any of the above matters.

Respectfully submitted,

By: 

Archie V. Diveglia, Esq.
PA. Attorney I.D. 17104
2 Lincoln Way West,
New Oxford, PA 17350
Telephone: (717) 624-2500
Fax: (717) 624-3851

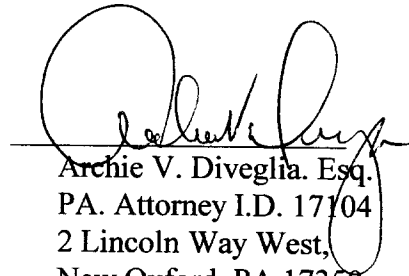
DIVEGLIA AND KAYLOR, P.C.

ATTORNEY IN CHARGE FOR
Plaintiff, Cynthia A. Diveglia

CERTIFICATE OF SERVICE

I, Archie V. Diveglia, attorney for Plaintiff Cynthia A. Diveglia, on this 17th day of May 2004, do hereby state that I have served a copy of **Plaintiff's Second Motion in Limine** upon counsel for Defendant by placing a copy of the same in the United States mail, first class, postage prepaid to:

E. Thomas Henefer, Esquire
Stevens & Lee, located at
P.O. Box 679
Reading, PA 19603-0679



Archie V. Diveglia, Esq.
PA. Attorney I.D. 17104
2 Lincoln Way West,
New Oxford, PA 17350
Telephone: (717) 624-2500
Fax: (717) 624-3851

DIVEGLIA AND KAYLOR, P.C.

ATTORNEY IN CHARGE FOR
Plaintiff, Cynthia A. Diveglia